



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary – March 16, 2009

In opposition to:

- **S.B. No. 538 An Act Concerning Plea Agreements by Sexual Offenders**

The Division of Criminal Justice opposes S.B. No. 538 and would respectfully recommend that the Committee reject this legislation. This bill would not achieve its stated purpose and would be detrimental to both the victims of sexual crimes and the interests of justice.

S.B. No. 538 would take from prosecutors the flexibility to deal with the many, many problematic cases involving sexual assault and abuse. In many cases, the victims know their assailant (through family, babysitting, and a dating relationship or the like) and do not want to testify. In many other cases, there are other issues involved, such as psychological issues or substance abuse that would have a chilling effect on the prosecutor's ability to make the statement required under the bill.

Further, and equally important, is that the bill is not needed in light of the general practices already in place. When entering a plea agreement onto the court record, the prosecutor will already state in a more general way why a plea of guilty or no contest is being made to a charge that does not require the defendant to register as a sex offender. Additionally, in many courts defendants in these cases are routinely required to accept a five-year period of probation for a felony offense where sex offender treatment is part of that probation. The public safety is better protected by this requirement for treatment and the potential five-year prison term the defendant would face for violating probation.

The current flexibility is needed to allow prosecutors to resolve these cases in a fashion that best serves the public safety and protects the victim. One example would be a case where the victim of a sexual assault refuses to testify. The state now has the option of resolving that case through a plea agreement to a charge that does not require sex offender registration, but resolves the case in a just fashion. This bill could hinder our ability to resolve such a case.

This bill would hurt the most vulnerable victims, not help them. The Division of Criminal Justice respectfully requests that it be rejected. We would be happy to provide additional information or to answer any questions the Committee might have. Thank you.